United Nations CCPR/C/SR.3541

International Covenant on Civil and Political Rights

Distr.: General
23 October 2018

Original: English

Human Rights Committee
124th session

Summary record of the 3541st meeting
Held at the Palais Wilson, Geneva, on Tuesday, 16 October 2018, at 10 a.m.

Chair: Mr. Fathalla (Vice-Chair)

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In the absence of Mr. Shany, Mr. Fathalla (Vice-Chair) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial report of Belize (*continued*) (CCPR/C/BLZ/1; CCPR/C/BLZ/Q/1/Add.1; and CCPR/C/BLZ/Q/1/Add.2)

1. *At the invitation of the Chair, the delegation of Belize took places at the Committee table.*

2. **Ms. Kran** said that the Committee had received reports that the Belize Police Department had detained individuals arbitrarily, had used detention as a means of intimidation and had committed violations of the right to due process. She would like to know what measures had been taken, both within and outside the Belize Police Department, to ensure that law enforcement officers were effectively monitored. She also wished to learn what sanctions were imposed on officers who violated the provisions of the Covenant on liberty and security of person.

3. In reference to paragraph 19 of the Committee's concluding observations on Belize in the absence of a report, adopted in 2013 (CCPR/C/BLZ/CO/1), it would be useful to know whether, during the period under review, additional resources had been allocated to the Professional Standards Branch to enable it to effectively investigate complaints of unlawful conduct by law enforcement personnel and whether the Branch investigated cases that had come to its attention without an official complaint having been filed by the victim. As there appeared to be a general lack of trust in the Branch's ability to conduct its investigations fairly and impartially, she wondered whether any steps had been taken to increase the independence of the Branch, as recommended by the Ombudsman in his annual report of 2017, and whether the delegation could provide information on the status of the Independent Complaints Commission or any other independent bodies through which complaints could be filed about police misconduct.

4. According to the 2017 report of the United States Department of State on the human rights situation in Belize, there continued to be severe delays in the handling of criminal cases, especially murder cases; in some instances, accused persons had reportedly been kept in pretrial detention for as long as seven years. She would welcome information on the nature and impact of any measures that had been taken, aside from those mentioned in paragraph 49 of the State party's replies to the list of issues, in order to protect the right of accused persons, especially persons accused of murder, to be tried within a reasonable time. She would also appreciate information on any cases in which costs had been levied by a judge on account of excessive delays in the proceedings, including details as to whether full or partial costs had been levied in those cases.

5. She wondered whether the State party could provide any evidence that delays in the administration of justice had been reduced during the reporting period as a result of the adoption of the Criminal Procedure Rules. More generally, she was interested to know how the State party collected and analysed the data needed in order to assess the effectiveness of the new measures introduced to address those delays. Regarding the two judges from the Caribbean who had been appointed on a temporary basis to tackle the case backlog, she wished to confirm her understanding that they had been appointed to try persons accused of murder who had been on remand for over two years. How many cases they had heard thus far and how many judgments they had handed down?

6. She would like to know whether the State party planned to increase the minimum age of criminal responsibility from its current level of 12 years of age and what steps it had taken in response to the recommendations of the Committee on the Rights of the Child in that regard. The Criminal Code provided that the minimum age of criminal responsibility could be raised to 14 years in cases where child offenders were found to lack the required maturity to understand the nature and consequences of their conduct. It would be helpful if the delegation could clarify what kind of behaviour was deemed to indicate a lack of sufficient maturity and how that provision of the Criminal Code was applied in practice.

7. With respect to juvenile detention, she wondered what proportion of the prison population were juveniles and what safeguards were in place to ensure that juveniles were placed in pretrial detention only as a last resort, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. She would welcome more information on the national diversion programme that was being piloted, including on the extent to which parents, social workers and other stakeholders were able to contribute to the development of personalized diversion plans. She would also appreciate information on the progress that had been made in implementing the legislative reforms mentioned in paragraph 246 of the State party's report.

8. According to the Ombudsman, the Prison Rules were not always interpreted in accordance with international standards on the treatment of prisoners or with the principle of the dignity of the human person, which was enshrined in the preamble to the Constitution. She wondered what steps were being taken to ensure that the Prison Rules were applied in such a way as to improve prison conditions and whether there were plans to revise the Prison Rules or provide training for prison staff on their interpretation with a view to improving those conditions. It would be useful if the delegation could indicate how many prisoners had been punished for disciplinary offences during the period under review, what punishments they had received and how many prisoners had been subjected to solitary confinement during that period. It was unclear how the current practice of imposing solitary confinement for up to 28 days was compatible with article 7 of the Covenant, article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or the United Nations Standard Minimum Rules for the Treatment of Prisoners.

9. With reference to the past three years in particular, she wished to know how frequently prisoners had submitted complaints to visiting justices and how many of those complaints had been referred to the prison's internal tribunal system. What decisions had been issued on those cases and what measures had been taken in response? She would appreciate clarification as to what other measures had been taken to ensure that prisoners' complaints were recorded and investigated and as to whether the State party planned to appoint new visiting justices in the following five years. In addition, she wondered what measures had been introduced to prevent prisoner-on-prisoner violence and would welcome information on the membership and independence of the internal tribunals that had reportedly handled a number of serious cases of prisoner-on-prisoner assault in 2017. How was the independence of that system ensured? It would be useful to learn what kind of legal assistance was provided to prisoners who participated in hearings conducted in the internal tribunal system and, if no such assistance was provided, what measures were planned to ensure that prisoners were fully informed of tribunal procedures, including their right to make full answer and defence. Lastly, she wished to know whether it was still the case that female juvenile inmates were not always held separately from female adult inmates and, if so, what circumstances had led to that situation and what steps were being taken to ensure that the two groups were held separately, as was required under the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

10. **Mr. Muhumuza** said that he wished to know what purpose was served by the State party's maintenance of its reservations to articles 14 (3) (d) and 14 (6) of the Covenant, particularly as the State party gave the impression of agreeing with the spirit of those articles and had cited case law that seemed to support the withdrawal of its reservations to them. Pending their withdrawal, what steps were being taken to ensure that the reservations in question did not obstruct the progress being made towards alignment with articles 14 (3) (d) and 14 (6)? In addition, he wished to know what measures had been taken to ensure that accused persons, especially those accused of capital offences other than murder, were provided with free legal assistance where the interests of justice so required and what kind of legal representation was guaranteed by the Ministry of Human Development to juveniles facing custodial sentences. He would appreciate data on the financial assistance provided on a case-by-case basis to ensure that juveniles benefited from legal representation and wished to know what was being done to address staff shortages in the Legal Advice and Services Centre and ensure that it was able to operate effectively.

11. In its report, the State party had asserted that its reservation to article 12 (2) of the Covenant served a necessary purpose in terms of income and business tax collection

(CCPR/C/BLZ/1, para. 119). He would be grateful if the delegation could clearly outline the utility of that reservation, particularly in the light of the provisions of article 12 (3). He wondered whether a blanket reservation to article 12 (2) was truly necessary for tax collection purposes, how it could be considered proportionate and what its impact was thought to have been on tax receipts.

12. In 2013, as part of the universal periodic review process, the State party had accepted a recommendation to ensure that persons with disabilities had the right to vote. In that connection, he wished to know whether a time frame had been set for the process of repealing the provisions of the Representation of the People Act that denied the right to vote to persons "certified to be insane or otherwise adjudged to be of unsound mind", among other groups. He would also be interested to learn what institutional plans had been set in motion in order to operationalize that right. More generally, he wished to know what was being done to ensure that other legislative instruments that restricted the rights of persons with mental disabilities would be amended as part of that process of reform.

13. **Mr. Heyns** said that it was unclear in what circumstances persons convicted of offences under the Trafficking in Persons (Prohibition) Act of 2013 could avoid a custodial sentence by paying a fine and what proportion of those convicted under its provisions had been able to do so. In its replies to the Committee's list of issues, the State party had indicated that the 19 cases of trafficking in persons that had been investigated in the period 2013–2018 had resulted in 2 convictions. It would be interesting to hear the delegation's interpretation of those figures. Were they considered to reflect the full extent of the problem of trafficking in persons in the State party and to fully satisfy the need for accountability? It was unclear whether any officials, and specifically police officers, had been prosecuted for active involvement in trafficking or failing to take action in response to such cases. On a separate point, he would like to know whether the State party planned to enact legislation to prohibit propaganda for war or advocacy of national, racial or religious hatred.

14. **Ms. Pazartzis** said that she would like to hear a more complete response to the Committee's questions on the treatment of aliens, including refugees and asylum seekers, than had been provided by the State party in its replies. While the Committee welcomed the State party's decision to re-establish the Refugee Eligibility Committee and the Refugees Department, it seemed that progress in reviewing cases was so slow that some persons in need of international protection might run the risk of being detained or even deported while they waited for their case to be examined. She would be grateful if the delegation could comment on the 14-day deadline for asylum applications established under the Refugees Act of 1991, as those who failed to meet that deadline, to which there were no exceptions, were offered alternative migration solutions that either were prohibitively expensive or did not guarantee their protection in accordance with the principle of non-refoulement. In addition, it seemed that the decisions of the Refugee Eligibility Committee were subject to ministerial review, which delayed the adjudication process and called into question its independence. She wished to know what safeguards were in place to expedite that process in a fair and transparent manner; what measures were being taken by the State party to avoid lengthy delays; whether asylum seekers could obtain authorization to work pending the issuance of final decisions on their cases; and whether the State party planned to allocate additional financial and human resources to the Refugees Department. On a related point, she would appreciate more information on the pre-screening process introduced by the Refugees Department, under which certain applicants were reportedly rejected even if they had met the 14-day deadline. Was there a mechanism for the review or appeal of such denials?

15. With regard to the action taken against migrants in an irregular situation under the Immigration Act, she would be grateful if the delegation could comment on some of the issues raised in complaints submitted to the Office of the Ombudsman, as detailed in its 2016 report. She was particularly interested in the complaints concerning the detention of "prohibited immigrants" in facilities housing the general criminal population, poor prison conditions, the indefinite detention of "prohibited immigrants" who had paid their fines and served their sentences but could not afford to return to their countries of origin and the lack of access to consular services or other forms of international protection. She would also be interested to hear the delegation's views on reports that children were currently being

detained in connection with offences under the Immigration Act. She also wished to know whether "prohibited immigrants" ordered to leave the country under section 27 of the Immigration Act had a right of appeal and access to legal aid.

16. With regard to question No. 26 on the list of issues, the Committee would be grateful for more information on the consultations held with the Maya indigenous peoples regarding the issuance of licences for oil exploration that would affect their traditional lands. As the delegation had informed the Committee at the previous meeting that the Government had agreed to implement the Consent Order handed down by the Caribbean Court of Justice in 2015, further information would be appreciated on the efforts being made to expedite the adoption of measures to ensure that prior consultations were held with indigenous populations on matters affecting them. The Committee was aware that the Toledo Maya Land Rights Commission had been established to oversee implementation of the Consent Order, but it would welcome more specific information on how the reporting and dispute resolution framework was working. Had any complaints been received and addressed under the terms of the Consent Order?

17. **Ms. Waterval**, noting that the Libel and Defamation Act introduced the notion that reports or publications would be considered libellous if they were made "maliciously", said that she wished to know what criteria were applied to prove the "malicious" character of a publication. She would also like to know how many criminal prosecutions for libel and defamation had occurred over the past five years, what impact the Libel and Defamation Act had had on freedom of speech in the State party and whether the Act was compatible with article 19 of the Covenant. She wondered whether the State party planned to decriminalize libel and defamation.

18. The State party had reported that the births of approximately 96 per cent of children under 5 years of age were registered. She wished to know if that figure included the children of refugees and asylum seekers and what steps were being taken to register the births of children born at home in remote rural areas. Information would also be appreciated on the measures being taken to prevent early and forced marriages. Such measures could include raising the minimum age of marriage, which was currently set at 16 years of age under the Families and Children Act. However, under that same law, marriage was allowed at a still younger age with the consent of both parents, which posed a potential risk to the well-being of the child. In respect of child abuse, the Committee would like detailed information on the measures taken to investigate, prosecute and punish perpetrators of that crime, including statistics on the numbers of prosecutions undertaken over the past five years and the sentences imposed. Finally, she wished to know how the State party intended to disseminate the concluding observations on the present dialogue.

The meeting was suspended at 11.15 a.m. and resumed at 11.55 a.m.

19. **Mr. Williams** (Belize), addressing the question on internal and external monitoring of police officers, said that the Belize Police Department had recently been restructured and two deputy commissioners, one responsible for operations and the other for administration, had been appointed. The country had been divided into four regions, each headed by a regional commander who was responsible for the conduct of the officers under his or her authority and for applying the police disciplinary code. Those officers answered to the two deputy commissioners and to the police commissioner. Upon receiving a complaint of professional misconduct, the regional commander would inform the police commissioner, who would then order the Professional Standards Branch to investigate the matter. In 2018, the Police Act had been amended to increase the sanctions that could be imposed by the courts in cases of misconduct. Serious forms of misconduct could result in dismissal, while misconduct of a less severe type could result in a reprimand, a fine or both. The staff had been increased considerably in recent years, and there were now Professional Standards Branch officers in every district across the country. Those officers were responsible for ensuring that every complaint made against the police was investigated properly. If district resources were insufficient to deal with a specific investigation, personnel from Belize City or from Belmopan would be dispatched to assist. Additional vehicles for use by investigators had been made available as well. The procedure for the investigation of complaints was set out in the Summary Jurisdiction (Procedures) Act. It was generally necessary to have a complainant who had legal standing and would be able to testify in

court before proceedings could be initiated. However, evidence such as videos of an incident had also been used in court, without an official complaint having been filed. Efforts to ensure the independence of the Police Standards Branch had included moving the Branch offices out of police stations and onto separate premises.

20. The backlog of court cases made it impossible to see whether the introduction of the Criminal Procedure Rules of 2016 and other initiatives had reduced court delays, an issue on which the Committee had sought information. The two temporary judges who had been hired to reduce the backlog were focusing on the older cases in the system and especially on homicide cases. The effect of the Criminal Procedure Rules would become apparent once the backlog had been eliminated, which should occur in 2019. There had been cases where judges had levied fines for non-compliance with the Rules, but the delegation did not have precise figures on those cases.

21. In answer to the question regarding the criminalization of libel and defamation, he should point out that Belize included those actions under the law of tort rather than as criminal offences. A number of such cases were currently before the country's courts. The legal notion of a "malicious" statement was understood as a statement that diminished a person in the mind of a right-thinking individual or brought a person into disrepute.

22. According to article 25 of the Criminal Code, no act committed by a child under the age of 12 could be considered to be a criminal offence. In the case of acts committed by children between the ages of 12 and 14, it was up to the judge to determine whether the child possessed sufficient maturity to understand the nature and consequences of his or her conduct. Minors of both sexes being held on remand were housed separately from adult prisoners in one of two special facilities. Prison overcrowding was not a problem in Belize; its prison had the capacity to hold over 2,000 inmates but currently housed only around 1,200, of whom 458 were on remand and 14 were minors.

23. The management of Belize Central Prison was entrusted to a non-governmental organization, the Kolbe Foundation, which not only ensured inmates' welfare in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), but also ran rehabilitation and reintegration programmes. Inmates from rival gangs were housed separately from one another in order to forestall inter-prisoner violence. The maximum period for which a prisoner could be kept in solitary confinement was 3 days, which was well within the 15-day maximum mandated by the Nelson Mandela Rules, although, at the order of a judge, that period could be extended for up to 28 days.

24. At the beginning of each session of the Supreme Court, it was customary for the judges to visit the Central Prison to examine the conditions there and listen to prisoners' complaints. One of the purposes of the visit was to determine which remand prisoners could be granted bail. The reservation to article 14 3 (d) of the Covenant regarding the right to free legal assistance was maintained for economic reasons. In fact, universal free legal assistance would weigh heavily on the national coffers, and the Government preferred to allocate those resources to other areas, such as poverty alleviation. Nonetheless, free legal assistance was and would remain available for all persons charged with murder or treason, which were the two capital crimes on the statute books. The number of staff in the legal aid office had been increased from one to three crown counsels.

25. **Ms. Martinez** (Belize) said that fines could be imposed for offences related to human trafficking. One person convicted in 2016 had been ordered to pay a fine of US$ 8,000. No law enforcement officials had faced prosecution for human trafficking offences because there had not been any concrete evidence that would have justified doing so in any of the cases in question. Tax Clearance Certificates were used only as a fiscal enforcement mechanism, not as a means of restricting freedom of movement.

26. A technical working group to deal with the issue of asylum seekers and refugees had been set up in 2017. It had submitted a number of recommendations to the Department of Immigration and Nationality Services focusing, inter alia, on the issue of the 14-day deadline for applications. Staffing levels at the Refugee Department had been reinforced with the addition of another refugee eligibility officer. The Refugee Eligibility Committee met once a month to consider refugee and asylum applications. Unaccompanied refugee minors were referred to the Ministry of Human Development and the Department of

Human Services. She had no knowledge of any minors being placed in detention centres. Orders for immediate removal were not subject to appeal and migrants were not provided with legal aid.

27. There were currently no plans to allow persons who had been "certified to be insane" to participate in electoral processes. She was unable to provide statistics concerning the reporting and dispute resolution framework for Maya indigenous peoples as it was still in the development stage.

28. **Ms. Rodriguez** (Belize) said that any individual born in Belize was automatically a Belizean citizen, irrespective of the parents' immigration status. Therefore, all persons were encouraged to register the birth of their children, regardless of their own situation. Thanks to the Make Your Child Count Campaign on Birth Registration, which was being run in remote rural areas in cooperation with the United Nations Children's Fund (UNICEF), more than 17,000 children in 186 communities across the country had been registered. In addition, midwives worked closely with the Ministry of Health to ensure that no birth went unregistered.

29. Under the Marriage Act, the minimum age at which persons could marry provided that they had parental consent had been raised from 14 to 16. Measures currently being taken to raise that threshold further included the drafting of a road map for tackling the problem of child marriage and early unions. The National Committee for Families and Children had recently hosted a workshop on the subject with the participation of UNICEF and civil society partners. In addition, Ms. Kim Simplis Barrow, Special Envoy for Children and Women and the spouse of the Prime Minister, was working to advocate social policies for promoting the rights of women and children, in particular by raising awareness about the problem of child marriage and early unions.

30. Although no dedicated child protection unit currently existed in the Belize Police Department, staff of the Domestic Violence Unit were being given specialized training in that area. The Police Department investigated any case involving children that appeared to involve a criminal offence, while the Department of Human Services ensured that the needs and interests of the children concerned were duly served and provided assistance in any proceedings before the Family Court. As was customary, the concluding observations of the Committee would be published on the website of the Ministry of Foreign Affairs.

31. **Mr. Muhumuza** said that further information regarding the use of Tax Clearance Certificates was still needed because, although they might not be intended to restrict freedom of movement, that seemed to be their actual effect. He hoped the delegation would be able to provide detailed written information about how much revenue had been collected through the application of the Tax Clearance Certificate scheme.

32. **Ms. Young** (Belize) said that it would probably not be possible to provide the information Mr. Muhumuza was requesting, as taxpayers did not usually state that they were meeting their fiscal obligations because they wished to be issued with a Tax Clearance Certificate in order to leave the country. The Committee should be aware — since a number of members had requested detailed statistics on one aspect or another of life in Belize — that the collection, processing and analysis of data were one of the key challenges which developing States had to face. Time and again, in such forums as the Group of 77 or the Caribbean Community (CARICOM), developing countries had drawn attention to their need for help and support in that regard.

33. **Ms. Cleveland** said that strengthening data collection mechanisms was an important element in making progress towards the implementation of human rights standards. For that reason, although the Committee knew that collecting and analysing data represented a challenge, it nonetheless requested detailed statistics from all States parties. Such information was often more useful when provided in writing, so the delegation should consider furnishing such data as it did have available to the Committee within the 48-hour deadline for written submissions.

34. **Ms. Young** (Belize) said that she wished to thank the Committee for all the efforts it had made during the meeting, the outcome of which would help her country to meet its obligations under the Covenant. In addition, the very fruitful interactive dialogue had

served as a capacity-building exercise for the members of the delegation which would prove useful in future meetings with the Committee and with other human rights treaty bodies.

35. **The Chair** said that members had raised many concerns regarding the implementation of the Covenant, and it was clear that the delegation had made an earnest effort to reply to those concerns. It had been the State party's first appearance before the Committee, and he hoped that the dialogue surrounding the next periodic report would be up to the Committee's expectations. He wished to draw attention to the fact that a technical assistance programme was run by the secretariat which might be able to provide help in the collection and analysis of data.

The meeting rose at 12.35 p.m.